



TR.CMP(MD).No. 707 of 2022

BEFORE THE MADURAI 9BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM :

THE HON'BLE MR JUSTICE P. VADAMALAI

TR.CMP(MD).No.707 of 2022

and

CMP(MD).No. 11295 of 2022

Abinaya

... Petitioner

Vs.

Saranraj

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw the case on the file of the Family Court, Sivagangai in H.M.O.P.No.252 of 2022 and transfer the same to the Principal Sub Court, Pudukottai.

For Petitioner : Mr.R.Senthil Kumar

For Respondent : Mr.S.P.Naveenkumar



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ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in H.M.O.P.No.252 of 2022 on the file of the Family Court, Sivagangai and transfer the same to the file of the Principal Sub Court, Pudukottai.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.11.2019 as per Hindu Rites and Customs.

3.The learned Counsel for the petitioner would submit that the respondent/husband at the instigation of his parents, has not taken any steps to take care of the petitioner and her child. Due to misunderstanding between the petitioner and the respondent, the petitioner left the matrimonial home along with her minor child. Thereafter, the respondent filed H.M.O.P.No.252 of 2022, before the Family Court, Sivagangai, for divorce. The distance between Sivagangai and Pudukottai is approximately 70 kilometers and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.252 of 2022, before the Family Court, Sivagangai. In the above circumstances,



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she filed the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.252 of 2022, before the Family Court, Sivagangai, to the file of the Principal Sub Court, Pudukottai.

4.The learned counsel for the respondent would oppose the prayer by submitting that even for the respondent it will cause grave hardship to travel from Sivagangai to Pudukottai.

5.Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondent.

6.Considering the over all facts and circumstances of the case and also considering the convenience of petitioner/wife, this Court is inclined to allow this petition.

7.Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.252 of 2022 pending on the file of the Family Court, Sivagangai, is hereby withdrawn and transferred to the file of Principal Sub Court, Pudukottai, to be heard and disposed of as expeditiously as possible in accordance with law. The learned Judge,



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Family Court, Sivagangai, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.252 of 2022 to the transferee Court, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is also closed.

08.08.2024

Internet : Yes / No

Index : Yes / No

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To

1. The Family Court, Sivangangai.
2. The Principal Sub Court, Pudukottai.



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P. VADAMALAI, J.

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